

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X 09CV3162 (CM)(HBP)

SEAN THOMAS,

Plaintiff,

**PLAINTIFF'S PROPOSED
VOIR DIRE**

-against-

THE CITY OF NEW YORK, SERGEANT STEPHEN
KELLY, shield #2057, POLICE OFFICER BRIAN SHEA,
shield #13360, POLICE OFFICER MICHAEL MORENO,
shield #5339, POLICE OFFICER LENNOX CORLETTE,
shield #2845, POLICE OFFICER OSCAR PEREZ,
shield #7650, POLICE OFFICER MICHAEL MCAULLIFE,
shield #1676, POLICE OFFICER THOMAS DEKOKER,
shield #15364, POLICE OFFICER ANGELA
POLANCOBRITO, shield #4956, SERGEANT SASHA
ROSEN, shield #5061 POLICE OFFICERS JANE/JOHN
DOE,

Defendants.

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Plaintiff SEAN THOMAS, by his attorney Ryan H. Asher of Asher & Associates, P.C.,
proposes the following paragraph and questions be utilized during Voir Dire:

AGREED UPON PARAGRAPH

On December 20, 2008, at approximately 2:00 A.M. at 1748 Eastburn Avenue, Bronx, New York, Plaintiff SEAN THOMAS alleges he was arrested without probable cause, and was thereafter detained for several hours. In sum, police were called to the scene by a landlord's son as a result of an argument involving Sean Thomas and Letitia Marrow in another apartment on the 2nd floor of the same building. Police arrived and soon thereafter took plaintiff into custody with several witnesses, including the landlord's family, looking on. Plaintiff was placed in handcuffs and transported to a hospital. No criminal charges against the plaintiff were brought as a result of the incident. Plaintiff sustained a fractured bone in his right hand that he alleges occurred as police hit his hand with an object during the arrest. Plaintiff asserts false arrest and excessive-force claims under 42 U.S.C. § 1983 and New York law, and an assault and battery under New York law.

QUESTIONS

1. What is your date of birth?
2. Where were you born?
3. Where were you raised?
4. How many brothers and sisters do you have?
5. Describe the current relationship you have with your brothers and sisters.
6. Are your parents alive? If so, how often do you see your parents?
7. In what municipality do you currently live?
8. In what neighborhood do you live?
9. Where else have you lived in the last 10 years?
10. Have you ever lived outside of the United States? If so, state where and when.
11. With whom do you live?
12. Are you married at this time?
13. Have you been married in the past?
14. Do you have any children? If so, what are their ages and educational levels?
15. Provide the name and location of any educational institutions your children attend or have attended.
16. Where did you go to elementary and secondary school? Did you attend private or public school?
17. What is the highest level of education you obtained?
18. Provide the name and location of all institutions of higher education your attend or have attended (eg: university, junior college, post-secondary vocational training institution)
19. If you have attended an institution of higher education, what were your major fields of study?

20. What is the highest level of education obtained by your parents?

21. What is your current employment? What position do you hold? What are your duties and responsibilities in that position?

22. Provide the same information for any other jobs you have held in the last 10 years.

23. If you are married or have been married in the past, what job does/did your wife or husband have/has?

24. Provide the same information for any other jobs your spouse has held in the last 10 years.

25. Provide the same information for any other jobs your children have held in the last 10 years.

26. Have you ever owned a business? If so, provide the details.

27. Have you or any member of your close family (eg. grandparents, parents, brothers, sisters, children), or a close friend, ever been the victim of a crime?

28. If so, state the circumstances.

29. Have you or any member of your close family (eg. grandparents, parents, brothers, sisters, children), or a close friend, ever been convicted of a crime?

30. If so, state the circumstances.

31. Have you or any member of your close family (eg. grandparents, parents, brothers, sisters, children), been charged with a crime you felt was not valid? If so, where, when and what was reason for arrest?

32. If so, identify the circumstances?

33. Have you ever carried a badge or shield? If so, why? In what capacity?

34. Are you a licensed EMT? Do you know any?

35. Have you or any member of your close family (eg. grandparents, parents, brothers, sisters, children), or any close friend, worked in the following fields?

A. Law enforcement at the State or City Level

B. Law enforcement within the Federal Government (eg: Federal Bureau of Investigations; Drug Enforcement Administration; Immigration &

- Naturalization Service);
- C. Military Law Enforcement
- D. Legal practice (eg: judges; prosecutors; attorneys; paralegals; secretaries in law offices; messengers; process servers; court reporters; interpreters);

36. If your answer to any of these questions about these kinds of jobs is yes, please provide specifics, including your relationship to the person who worked in the particular field, the job at which he/she worked, and the approximate dates of such work.

40. Have you or any member of your close family (eg. grandparents, parents, brothers, sisters, children), or a close friend, studied law? If so, provide the details (relationship to the person, institution where studied, etc.)

41. Several of the witnesses in this case, including the defendants, are police officers. If one of these officers were to say that a certain thing happened and another witness who is not a police officer states that it did not happen, would you be inclined to believe the police officer because he or she is a police officer?

42. Would you regard the testimony of a police officer inherently more credible than that of a lay witness? If so, why would you do so?

43. Would you have any difficulty deciding, if appropriate, that police officers have committed intentional or negligent or criminal actions? Explain your answer.

44. Who is the person or relative closest to you who has died? When did that happen? Under what circumstances? What was your relationship to that person?

45. Do you, your spouse, or any of your children participate in any sports activities? If so, provide the specifics (eg: relationship to the person, the sport he/she participates in, the nature of his/her participation).

46. Do you consider yourself, your spouse or any of your children a sports fan? If so, provide the specifics (eg: relationship to the person, the sport for which he/she is a fan).

47. Do you, your spouse or any of your children belong to any voluntary organizations? If so, identify the groups to which you or your family members belong. How frequently do you attend meetings or functions?

48. Are you, your spouse or any of your children a member of any social clubs? If so, specify which ones. How frequent is your attendance at such clubs or their activities?

49. Do you read any daily or weekly newspapers? If so, specify which ones.

50. If you read a newspaper, what section or sections of the newspaper are you most

interested in?

51. Do you read any magazines regularly? If so, which ones?

52. Do you regularly watch any particular television channel or television programs? If so, which one(s)?

53. Does your home receive cable, direct tv, or satellite television? If so, are you a regular viewer? What programs do you regularly watch on cable, direct tv or satellite?

54. Do you regularly listen to any radio channel? If so, which one(s) and which programs?

55. Have you or anyone in your family or any close friend ever been a defendant in a lawsuit? If so, provide specifics as to who, nature of lawsuit, claims made, date, resolution, etc.

56. Have you or anyone in your family or any close friend ever been a witness in a lawsuit? If so, provide the specifics as to who, the nature of the lawsuit, the subject matter of the testimony, etc.

57. Have you previously served as a juror? If so, identify the court, and whether the case on which you served were civil or criminal.

58. Do you know the difference between criminal and civil cases? If so, state what you know.

59. Do you know that victims or their family members have the right to bring suits on their own behalf in civil cases?

60. Do you know that the only remedy allowed in civil cases such as this case is an award of money?

61. If you have served on criminal cases, what kind of cases were they? What verdict or verdicts were reached?

62. If you have served on civil cases, what kind of cases were they? What verdict or verdicts were reached?

63. The following is a list of the defendants in this case:

Sergeant Stephen Kelly, Shield #2057, Police Officer Brian Shea, Shield #13360, Police Officer Michael, Moreno, Shield #5339, Police Officer Lennox Corlette, Shield #2845, Police Officer Oscar Perez, Shield #7650, Police Officer Michael Mcaullife, Shield #1676, Police Officer Thomas Dekoker, Shield #15364, Police Officer Angela Polancobrito, Shield #4956,

Sergeant Sasha Rosen, Shield #5061

Do you know any of these persons? Have you heard of any of them? Provide specifics.

64. The following is a list of the witnesses in this case:
(have each party read their witness list)

65. Do you know any of these persons? Have you heard of any of them? Provide specifics.

66. The following is a list of the attorneys who currently represent the defendant police officers or who have done so in the past. Corporation Counsel, Brian Jeremy Farrar and Raju Sundaran. Do you know any of them? If so, state the context in which you know them.

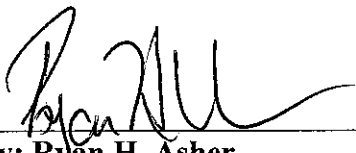
67. Do you know any of these attorneys or anyone who works or has worked for any of these attorneys? If so, state the circumstances (eg: relationship to you, job the person had, dates)

68. The attorneys who are representing plaintiff(s) in this case are Ryan H. Asher of Asher & Associates and David A. Zelman. Do you know any of them? If so, state the context in which you know them.

69. Do you know anyone who works or has worked for any of these attorneys? If so, state the circumstances (eg: relationship to you, job the person had, dates)

70. Independently of whether you know any of the attorneys for the police officers or those who represent the plaintiff, have you heard of any of them? If so, please state what you know about them and any opinion you may have formed on the basis of what you have heard.

Dated: New York, New York
June 7, 2012


By: **Ryan H. Asher**
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